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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/637,969	08/11/2000	Nayel Saleh	6065/79184	7992

24628 7590 08/16/2004

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EXAMINER

EL HADY, NABIL M

ART UNIT PAPER NUMBER

2154

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/637,969

Applicant(s)

SALEH, NAYEL

Examiner

Nabil M El-Hady

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/6/2004 has been entered.

2. Claims 1-37 are pending in this application.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-17, and 32-37 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. There is insufficient antecedent basis for the following limitations"

a) "supervisors terminals", claim 1, lines 10-11;

B. The following wording or phrasing are not clearly understood rendering corresponding claim vague:

a) "to select from among a plurality of operational parameters and a monitoring schedule", claim 1, lines 5-6, it is unclear if "select from among" is applied to "plurality of operational parameters" and also to more than "a monitoring schedule";

Art Unit: 2154

b) "means for monitoring and the selected monitoring schedule", claim 32, lines 7-8, it is unclear how to monitor a monitoring schedule, monitoring of selected parameters would be based on a monitoring schedule.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 4-9, 12, 13, 18, 19, 21-24, 27, 28, and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonisson (US 5,903,641) in view of Shaio (US 5,299,260).

7. Tonisson is cited by the applicant in IDS paper No. 2.

8. As to claim 1, Tonisson discloses the invention substantially as claimed including a method of allocating resources of a contact center (abstract; and col. 2, lines 60-61) comprising the steps of: allowing a supervisor to select at least one operational parameter from among a plurality of operational parameters (col. 2, lines 8-13, 19-22, 62-64) and a monitoring schedule of the contact center (choice of a parameter amounts to a choice of a monitoring schedule as in col. 2, lines 31-35, 62-64; and col. 8, lines 56-61); electronically monitoring the selected at least one operational parameter of the contact center based upon the selected monitoring schedule (col. 1, lines 64-65; col. 2, lines 12-13; and col. 3, lines 1-2); performing a comparison between the operational parameter and a threshold value for the operational parameter (col. 2, lines 39-

Art Unit: 2154

42; and col. 10, lines 26-36, 46-52); and determining, based on the comparison, whether an action to be taken to affect allocation of resources of the contact center is necessary (col. 2, lines 39-44; col. 10, line 33 to col. 11, line 54; and Fig. 4).

9. Tonisson discloses allowing the contact center supervisor to allocate center resources by simply allowing the supervisor to decide (select) which performance characteristic (parameter) should be optimized (col. 2, lines 12-13, 62-64) in order for this allocation to be done automatically and not manually (col. 2, lines 60-62). While, Tinosson does not explicitly disclose providing an intelligent-agent rule-configuration screen (a terminal with a screen that is rule based works in accordance with an intelligent agent) on a supervisors terminal, it would have been obvious to one skilled in the art at the time of the invention that the automatic means, processing system or computer (col. 2, lines 11-13) used by Tinosson to select a parameter and communicate a monitoring schedule would include a terminal with a screen that works in accordance with an intelligent agent (a software) governed by specific rules. This obvious means should simply allow the supervisor to decide (select) which performance characteristic (parameter) should be optimized (col. 2, lines 12-13, 62-64) in order for this allocation to be done automatically and not manually (col. 2, lines 60-62). Shaio, for example, discloses such means , an intelligent agent rule-base screen in a supervisor terminal (22, Fig. 1; and Fig. 3) in order to input the controlling information by a supervisor to the monitoring system. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Tonisson and Shaio because Shaio's agent supervisor means should simply allow the supervisor to input information affecting monitoring of the system including parameters, criterions, thresholds, monitoring schedules, and collect corresponding results.

Art Unit: 2154

10. As to claim 18, the claim is rejected for the same reasons as claim 1 above. In addition, Tonisson discloses an apparatus for allocating resources of a contact center (Fig. 1), comprising: a supervisors terminal and an intelligent-agent rule configuration screen on the supervisors terminal (col. 2, lines 7-13) adapted to select at least one operational parameter of a plurality of operational parameters (col. 2, lines 8-13, 19-22, 62-64) and to select a monitoring schedule for the selected operational parameter of the contact center (choice of a parameter amounts to a choice of a monitoring schedule as in col. 2, lines 31-35, 62-64; and col. 8, lines 56-61); a processing unit coupled with a storage device (col. 3, lines col. 49-58) ; a first set of instructions storable in the storage device and executable by the processing unit for monitoring the selected at least one operational parameter of the contact center based upon the selected operational parameter and monitoring schedule (inherent in col. 1, lines 64-65; col. 2, lines 12-13; and col. 3, lines 1-2) ; a second set of instructions storable in the storage device and executable by the processing unit for performing a comparison between the operational parameter and a threshold value for the operational parameter (inherent in col. 2, lines 39-42; col. 10, lines 26-36, 46-52; and col. 11, lines 6-11); and a third set of instructions storable in the storage device and executable by the processing unit for determining whether an action to be taken to affect allocation of resources of the contact center is necessary (inherent in col. 2, lines 39-44; col. 10, line 33 to col. 11, line 54; and Fig. 4).

11. As to claim 32, the claim is rejected for the same reasons as claims 1 and 18 above. In addition, Tonisson discloses an apparatus for allocating resources of a contact center (Fig. 1), comprising: means for selecting at least one operational parameter of a plurality of operational parameters (col. 2, lines 7-13, 19-22, 62-64) and a monitoring schedule of the contact center (col. 2, lines 31-35, 62-64; and col. 8, lines 56-61); means for monitoring the selected at least

Art Unit: 2154

one operational parameter of the contact center (col. 1, lines 64-65; col. 2, lines 12-13; and col. 3, lines 1-2) based on the selected monitoring schedule; means for performing a comparison between the operational parameter and a threshold value for the operational parameter (inherent in col. 2, lines 39-42; and col. 10, lines 26-36, 46-52); and means for determining whether an action to be taken to affect allocation of resources of the contact center is necessary (inherent in col. 2, lines 39-44; col. 10, line 33 to col. 11, line 54; and Fig. 4).

12. As to claims 2 and 19, Tonisson discloses agents as the resources of the contact center to be monitored (col. 2, lines 25-27). Tonisson also inherently disclose communication lines, or communication trunks as resources (col. 2, lines 60-67; and col. 3, lines 6-10, 52-54).

13. As to claim 4, Tonisson discloses the step of electronically monitoring, and the step of performing a comparison employ a digital computer associated with the contact center (inherent in col. 3, lines 55-58).

14. As to claims 5, 21, and 33, Tonisson discloses the monitoring step is performed in real-time.

15. As to claims 6 and 22, Tonisson discloses the action to be taken tends to improve the value of the operational parameter with respect to the threshold value (inherent in col. 2, lines 3-11, 31-35; col. 5, lines 4-10; and col. 11, lines 8-11, 20-23).

16. As to claims 7, 23, and 36, Tonisson discloses obtaining a sample value of the operational parameter (col. 4, lines 61-67; and col. 5, lines 53-54).

Art Unit: 2154

17. As to claims 8 and 24, Tonisson discloses the monitoring, performing, and determining steps are performed repeatedly (col. 10, lines 7-8).

18. As to claim 9, Tonisson discloses acquiring a limitation to terminate the repeated performance, and terminating the repeated performance in accordance with the acquired limitation (inherent in col. 10, lines 7-8).

19. As to claims 12, 13, 27, 28, 34, and 35 Tonisson discloses acquiring a threshold value for at least one parameter (col. 10, lines 26-36; and col. 11, lines 6-11); and acquiring and providing indication of an action to be taken (inherent in col. 10, line 33 to col. 11, line 12; and Fig. 4).

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 3, 10, 11, 14-17, 20, 25, 26, 29-31, and 37, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonisson (US 5,903,641) in view of Shaio (US 5,299,260) and further in view of Corduroy et al. (US 5,978,465), hereafter "Corduroy".

22. Corduroy et al. is cited by the applicant in IDS paper No. 2.

23. As to claims 3 and 20, Tonisson discloses at least one operational parameter is selected from a group including service level (col. 5, line 6), time of call occurrence (col. 1, line 66), number of agents assigned to an agent group and number of agents available to service (col. 1, lines 45-46). Tonisson does not specifically disclose as operational parameters time of a one-time marketing/promotional campaign. Corduroy, however, discloses time of a one-time marketing/promotional campaign (col. 1, lines 18-20). It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Tonisson and Corduroy in order to enhance the functionality of Tonisson's system.

24. As to claims 10, 11, 14, 25, 26, and 37, Tonisson does not necessarily disclose determining and indicating whether an error condition exists. Corduroy, on the other hand, in a disclosure for allocating resources in a call center, discloses determining whether an error condition exists (60, Fig. 3), and indicating that an error condition exists (54, Fig. 3). It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Tonisson and Corduroy because Corduroy's checking for an error and reporting an error message would enhance the functionality of Tonisson's system for allocating resources in the contact center by adding to the tools available to Tonisson's call center supervisor to place the system under full control.

25. As to claim 15, the claim is rejected for the same reasons as claims 1, 8, 13, and 14 above.

Art Unit: 2154

26. As to claims 29 and 30, the claims are rejected for the same reasons as claims 18, 24-26 above.

27. As to claims 16,17, and 31, Tonisson discloses acquiring a limitation to terminate the repeated performance, and terminating the repeated performance in accordance with the acquired limitation (inherent in col. 10, lines7-8).

28. Applicant's arguments filed 7/6/2004 have been fully considered but they are not persuasive.

29. In the remarks, applicants argued in substance that (1), Tonisson specifically excludes the subject matter of the claimed invention and certain features of the claimed invention.

30. Examiner respectfully traverses applicants' remarks.

31. As to point (1), the subject matter of the claimed invention as presented in the independent claims 1, 18, and 32 is not excluded by Tonisson. The subject matter of the claimed invention as presented in the independent claims 1, 18, and 32 would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Tonisson, as indicated above, discloses the invention substantially as claimed including a method of allocating resources of a contact center (abstract; and col. 2, lines 60-61) comprising the steps of: allowing a supervisor to select at least one operational parameter from among a plurality of operational parameters (col. 2, lines 8-13,19-22, 62-64) and a monitoring schedule of the contact center (choice of a parameter amounts to a choice of a

Art Unit: 2154

monitoring schedule as in col. 2, lines 31-35, 62-64; and col. 8, lines 56-61); electronically monitoring the selected at least one operational parameter of the contact center based upon the selected monitoring schedule (col. 1, lines 64-65; col. 2, lines 12-13; and col. 3, lines 1-2); performing a comparison between the operational parameter and a threshold value for the operational parameter (col. 2, lines 39-42; and col. 10, lines 26-36, 46-52); and determining, based on the comparison, whether an action to be taken to affect allocation of resources of the contact center is necessary (col. 2, lines 39-44; col. 10, line 33 to col. 11, line 54; and Fig. 4).

Tonisson discloses allowing the contact center supervisor to allocate center resources by simply allowing the supervisor to decide (select) which performance characteristic (parameter) should be optimized (col. 2, lines 12-13, 62-64) in order for this allocation to be done automatically and not manually (col. 2, lines 60-62). While, Tinossion does not explicitly disclose providing an intelligent-agent rule-configuration screen (a terminal with a screen that is rule based works in accordance with an intelligent agent) on a supervisors terminal, it would have been obvious to one skilled in the art at the time of the invention that the automatic means, processing system or computer (col. 2, lines 11-13) used by Tinossion to select a parameter and communicate a monitoring schedule would include a terminal with a screen that works in accordance with an intelligent agent (a software) governed by specific rules. This obvious means should simply allow the supervisor to decide (select) which performance characteristic (parameter) should be optimized (col. 2, lines 12-13, 62-64) in order for this allocation to be done automatically and not manually (col. 2, lines 60-62). Shaio, for example, discloses such means, an intelligent agent rule-base screen in a supervisor terminal (22, Fig. 1; and Fig. 3) in order to input the controlling information by a supervisor to the monitoring system. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Tonisson and Shaio because Shaio's agent supervisor means should simply allow the supervisor to input information affecting

Art Unit: 2154

monitoring of the system including parameters, criteria, thresholds, monitoring schedules, and collect corresponding results.

32. In response to applicant's argument that Tonisson excluded certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., sufficiency or insufficiency of resources, service level, the moving of agents, etc...) are not recited in the rejected independent claims 1, 18, and 32. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kohler (US 5,721,770); Kameli (US 5,329,076); Levi et al. (US 6,477,667); Pattison et al. (US 6,058,163) ; and Herbert et al. (US 2001/0056367).

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil M El-Hady whose telephone number is (703) 308-7990. The examiner can normally be reached on 9:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2154

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August 9, 2004

A handwritten signature in black ink, appearing to read "N. El-Hady", with a long, sweeping diagonal stroke extending from the bottom right of the signature.

Nabil El-Hady, Ph.D, M.B.A.
Primary Patent Examiner
Art Unit 2154